

Appl. No. 10/606,397
Amdt. dated April 7, 2005
Reply to Office action of January 25, 2005

REMARKS/ARGUMENTS

Reconsideration of the application, as amended, is respectfully requested.

Applicant has amended claims 1-19 to improve the form thereof without the addition of any new matter and to overcome any objections thereto under the provisions of 35 USC 112.

The drawings have not been modified because it is respectfully submitted that the reference characters 25 and 36 have not been used to designate a framing tool or trim tool. It is respectfully submitted that the reference character 10 is the only character to refer to a trim tool as recited on page 4, line 14; page 5, line 1; page 7, line 6; and page 8, line 12. The reference character 25 refers only to a corner clamp assembly as recited at page 5, lines 1 and 10. The reference character 36 refers only to a clamp member as recited on page 5, lines 13 and 20, and page 8, line 1.

Regarding the objection to claims 4, 7, 9 and 10-19, it is respectfully submitted that none of claims 9-15 refer to the means rotating about an axis that moves the second clamp face as suggested by the Examiner. Moreover, it is respectfully submitted that the suggestion that the screw is a clamp in itself is not understood. The outer clamp arm 42 includes a clamp face 56 for bearing against the outer edge 33b of the trim frame member 33 whereas the inner clamp arm 40, which is longer than the outer clamp arm 42 includes a threaded opening 58 which threadedly receives a threaded rod 60 that mounts the clamp face 64 for bearing against the inner surface 26A of the vertical casing member 26. It should be understood that the clamp face 40

could have been stationarily mounted on the clamp arm 40 similar to clamp face 56 on arm 42. Alternatively, a device other than a rotary screw could be utilized to move the inner clamp face 64 relative to the arm 40, such as a pivotal assembly or a scissor action occasioned by opening and closing a pair of conventional scissor links.

Nonetheless, to advance the prosecution, Applicant has amended claims 4, 7, 11, 13, 14 and 16 to improve the form thereof.

Applicant has amended the claims to eliminate the reference to framing hand tool, however, Applicant would specifically point out to the Examiner that the trim tool 10 includes the corner clamp assembly 25 which in turn includes the clamping members 36 that includes a clamp arm 40 having a threaded opening 58 rotatably mounting a rod 60 mounting a clamp face 64. These are not one and the same and is not a double inclusion as suggested.

It is further respectfully submitted that the repeated allegations of the Examiner regarding the pair of bars referred to in the claims, for example in claims 2 and 21, is misplaced. The pair of mounting bars recited in claims 2, 6, 8 10, 15, 21 and 41-42, refer to bars 32 and 32A rigidly fixed at right angles to each other. These elements are certainly not part of the work piece, i.e., the window casing 14 and trim frame 12. This is of importance because the prior art is completely void of Applicant's claimed structure.

Applicant's claim 5 recites that the corner clamp assembly includes linearly moveable means 44 adjustably mounting said first clamp arm 42 and does not recite that these elements move or adjust the clamp arm. Nonetheless, this claim has also been amended to improve the form thereof.

Accordingly, reconsideration of the above rejections under the provision of 35 USC 112 is respectfully requested.

The Examiner's failure to appreciate that the bars 32 and 32A are not part of the work piece, may explain the citation of prior art which does not include such structure and which Applicant considers to be completely inappropriate and non-relevant. For example, Applicant's claim 1 recites a corner clamp assembly for urging marginal portions of said trim pieces into abutting relation to form a trim joint in juxtaposition with the casing joint. Claim 27 recites a corner clamp assembly for clamping the two right angularly disposed trim boards, to the front sides of the two frame boards with the inner edges disposed outwardly of the inner planar faces of the planar frame member and said trim joint disposed adjacent the frame joint.

Claim 40 additionally recites a corner clamp assembly for detachably clamping right angularly disposed coplanar trim members, lying in a third plane perpendicular to each of said pair of planes, to the pair of opening frame members.

None of the patents taken singularly or in combination disclose or remotely suggest Applicant's concept nor the structure for achieving Applicant's result. Since the prior art fails to appreciate the problem which Applicant faced and solved, the prior art certainly does not disclose Applicant's means for solving the problem.

Applicant's claims recite a trim tool for trimming an opening casing with a pair of right angularly related trim pieces and specifically recite, such as in claim 1, a corner clamp assembly including clamping means reacting between the casing and at least of pair of right angularly related trim pieces...for urging marginal portions of the trim pieces into abutting relation with each other. Claims 11, 20, 27 include similar recitations.

Claim 11 more specifically recites means for adjustably mounting said clamp faces for movement toward and away from each other including means for moving said outer clamp face into clamping engagement with one of said trim pieces and said inner clamp face into clamping engagement with the inner planar faces of one of the planar frame members. Many of the claims, such as claims 2-4, 6-8, 11-19, 21-24, 30-39 and 41-43 recite the mounting support including a pair of right angularly related mounting bars and a pair of right angularly disposed clamp members mounted on said mounting bars.

The Klein Bongartz Patent No. 6,123,326 as well as the Zdorschil Patent No. 5,427,364 disclose conventional screw clamps which do not disclose or remotely suggest the concept of trimming an opening casing with right angularly related trim pieces or right angularly related mounting bars not right angularly disposed clamp members. This same observation may be made with regard to the Smith Patent No. 3,218,058. Claim 40 similarly recites a trim tool for trimming an opening casing having a pair of opening frame members lying in a pair of planes intersecting each other at a 90° angle... comprising a corner clamp assembly for detachably clamping right angularly disposed co-planar trim members, lying in a third plane, perpendicular to each of said pair of planes, to the pair of opening frame members. There is no disclosure or remote suggest in any of the patents of record of any structure that could remotely be suggestive of the recitations in Applicant's claims.

The conventional clamps in patents cited by the Examiner are typical clamps utilized in a shop and not on a job site where it is necessary that the workman's hands must be free in order to quickly and properly nail the trim to the window frame.

Applicant thus discloses and claims new and novel structure cooperating in a new and

novel manner not taught or remotely suggested by the art of record. It is respectfully submitted that this is excellent evidence of patentability. None of the patents appreciate Applicant's problem much less disclose any structure for solving the problem which Applicant solved. It is respectfully submitted that one who does not appreciate the problem, would not disclose structure for solving an unanticipated problem.

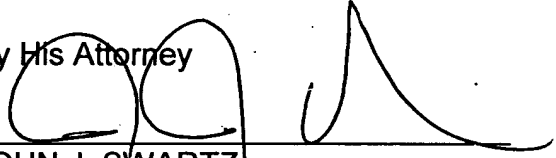
Since all of the claims now remaining in the application clearly distinguish over the art of record, an early Notice of Allowance is earnestly solicited.

Please charge any additional fees to our deposit account no. 502553.

Respectfully Submitted,

MACK WOODBURY

By His Attorney



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